



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 5 February 2003
EXPIRATION DATE: 5 March 2003
REFERENCE NUMBER M-2001-1032
WATERWAY NUMBER Port St Nicholas 31

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT Mr Daryl G Morris, 192 Corriea Lane Sequim, Washington 98382

LOCATION: Mile 12 on Pt. St. Nicholas Road, Subdivision #2, Lot 13, Craig, Alaska, section 23, T. 74 S., R. 81 E., Copper River Meridian, Latitude 55° 26.2 N., Longitude 133° 04.1' W.

WORK: The applicant proposes a permit modification to construct a pile-supported dock, which would access a previously permitted float. The dock would be approximately 5-foot wide by 80-foot long and would connect to the float by way of a hinged 4-foot wide by 50-foot long ramp.

PURPOSE: The purpose of the project is to allow access to a previously permitted floating dock. The floating dock is used for private boat moorage.

ADDITIONAL INFORMATION: The following special conditions would be carried on the permit:

- 1 Pile driving shall be prohibited during the period of April 1 through May 31 to minimize disturbance to migrating salmonids from concussive underwater sound waves.
- 2 No pentachlorophenol treated or surface applied creosote materials shall be used. Materials treated with creosote shall be pressure treated. No materials shall be painted or soaked in creosote. Pentachlorophenol and creosote are toxic to juvenile fish.
- 3 The float and ramp shall not ground at any tidal stage to avoid damage of benthic habitat.

For additional information please contact the applicant, Mr Daryl Morris at (360) 683-7818.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be

issued until the Office of Management and Budget, Division of Governmental Coordination has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: The project area is within the known or historic range of the humpback whale and Stellar Sea Lion. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION None

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not

comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Steve Meyers at (907) 753-2720 or toll free in Alaska at (800) 478-2712, if further information is desired concerning this notice.

AUTHORITY This permit will be issued or denied under the following authority

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

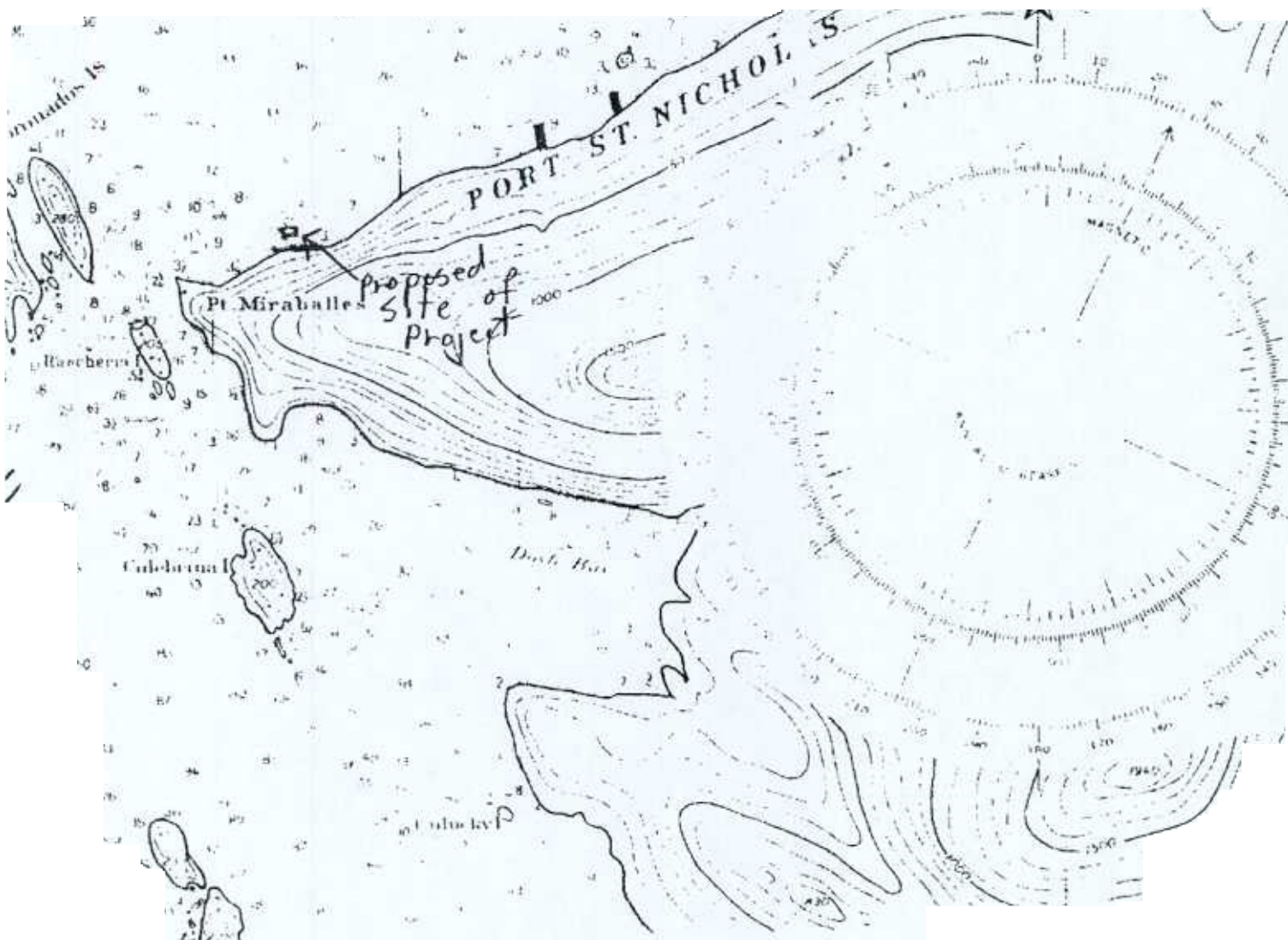
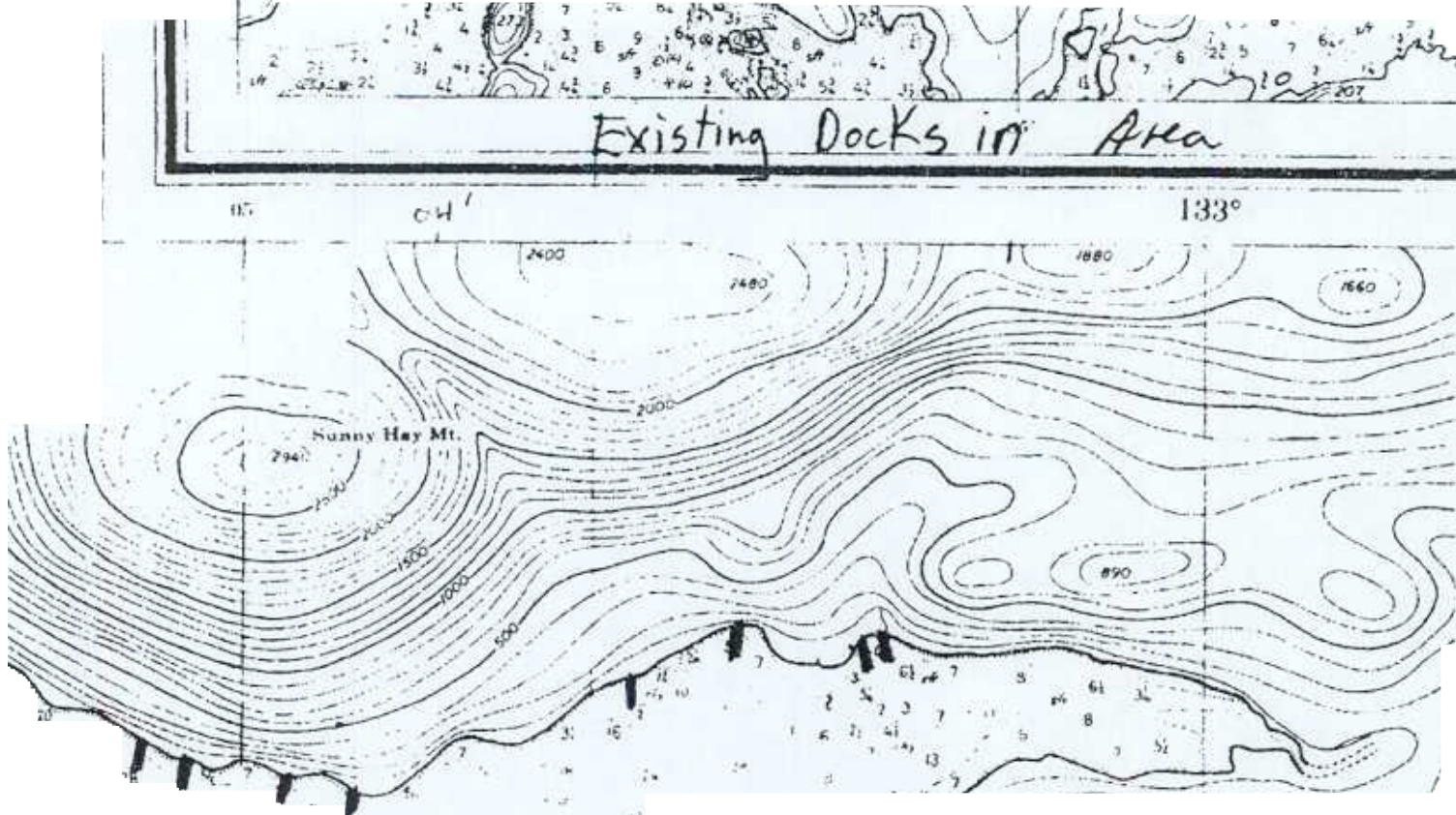
() Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate

A plan and Notice of Application for Certification of Consistency with the Alaska Coastal Management Program are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



EXPANDED OVERHEAD VIEW

① ← MOORING BOUY ANCHORED IN 25' WATER @ 0' TIDE

EXTENDED LOT LINE

← 30' X 10' FLOATING DOCK
ATTACHED TO PILES PLACED
ON (-6') TIDE LINE.

122.5'

EHW (12.5')

24' X 28'
CABIN

PT. ST. NICHOLAS ACCESS RD

419.27'

LOT
12

LOT
13

LOT
14

145.32'

ST. NICHOLAS SUBDIVISION # 2

M-2001-1032

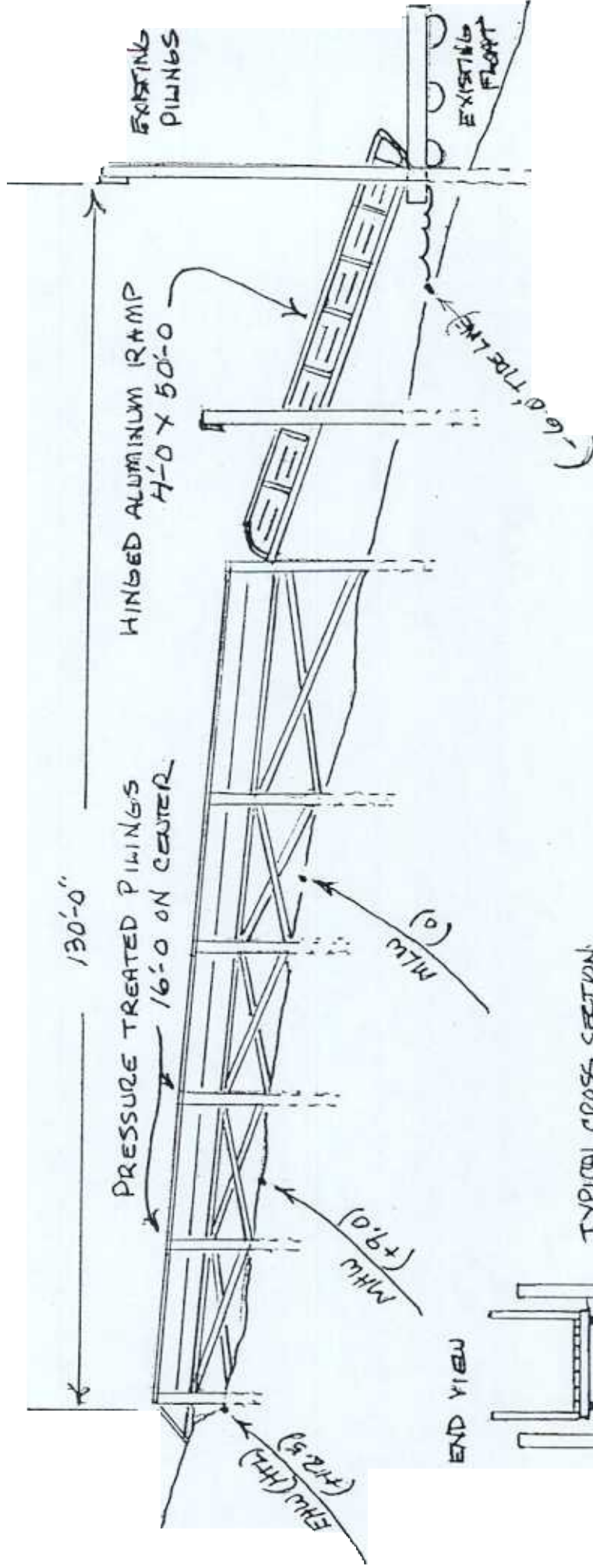
Daryl G. Morris

Port St. Nicholas 31

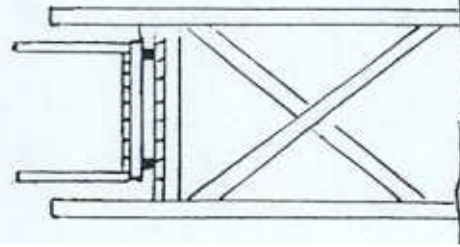
August 10, 2001, Sheet 3 of 4

PERM T REV S ON TO AK 008 93
 CO FLE # M 200 1032 Port St Nicholas

E VIEW



END VIEW



TYPICAL CROSS SECTION
 SHOWING PILING BRACING
 AND PROPOSED RAMP IN
 STOWED POSITION.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Governmental Coordination for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. M-2001-1032, Port St. Nicholas 31, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Alaska Division of Governmental Coordination. For information about this consistency review, contact DGC at (907) 269-7470 or (907) 465-3562, or visit the DGC web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

Attachment 2